

Federal Court



Cour fédérale

Date: 20121107

Docket: T-293-07

Citation: 2012 FC 1296

Montréal, Quebec, November 7, 2012

PRESENT: The Honourable Mr. Justice Harrington

BETWEEN:

RICHARD WARMAN

Complainant

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and

TERRY TREMAINE

Respondent

REASONS FOR ORDER AND ORDER

[1] The time has come, at last, to penalize Mr. Tremaine for acting in contempt of an order of the Canadian Human Rights Tribunal.

[2] In February 2007, the Tribunal held that the complaint by Mr. Warman against Mr. Tremaine was substantiated. It held that messages and material he posted on the Internet were

likely to expose persons of the Jewish faith, blacks and other non-white minorities to hatred or contempt. The theme of Mr. Tremaine's messages was that Jews, blacks and other non-whites are destroying Canada and that they should either be deported or segregated. They are a threat to white civilization. They were described as vermin, a disease, parasites, criminals, scoundrels, embezzlers and liars. They were portrayed as dangerous and, in some cases, intellectually inferior.

[3] The Tribunal found that these messages were in violation of section 13(1) of the *Canadian Human Rights Act* in that they were likely to expose persons to hatred or contempt by reason that they were identifiable on the basis of a prohibited ground of discrimination. Mr. Tremaine was ordered to cease publishing material of the same type. He was also ordered to pay a penalty of \$4,000.

[4] It is beyond doubt that Mr. Tremaine continued to post hate messages of the type found by the Tribunal to be in violation of section 13(1) of the Act.

[5] The history of Mr. Tremaine's case is as follows:

- a. the Tribunal's decision is reported as *Warman v Tremaine*, 2007 CHRT 2, [2007] CHRT No 2 (QL);
- b. his judicial review of the Tribunal's decision was dismissed by Madam Justice Snider, 2008 FC 1032, [2008] FCJ No 1265 (QL); he did not appeal;
- c. I ordered a show cause hearing, 2010 FC 680, [2010] FCJ No 1002 (QL);
- d. I dismissed the contempt charge on a technicality, 2010 FC 1198, [2010] FCJ No 1376 (QL);

- e. I was reversed by the Federal Court of Appeal, 2011 FCA 297, [2011] FCJ No 1502 (QL), and the matter was referred back to me for sentencing; and
- f. Mr. Tremaine's application for leave to appeal, and for a stay of the Federal Court of Appeal's order, was dismissed by the Supreme Court on 26 April 2012; see *Tremaine v Canada (Canadian Human Rights Commission)*, SCC Case Information No 34542, [2011] SCCA 510 (QL).

[6] I should emphasize that I had found that Mr. Tremaine's Internet postings subsequent to the Tribunal's order constituted contempt. I was of the view that the issue before me, however, was whether or not he was in contempt of Court. As his messages were all posted before he had notice that the Commission had registered the Tribunal's order with this Court, and as knowledge is a prerequisite of contempt, I dismissed the charge against him. The majority of the Court of Appeal, however, corrected my understanding of the law. The Court of Appeal agreed that a person cannot knowingly disobey an order unless he has knowledge of it. However, knowledge of the Tribunal's order alone can give rise to a finding of contempt. It is not necessary that there be knowledge that the order was registered with the Court.

THE COMMISSION'S EVIDENCE ON SENTENCING

[7] The Commission called one witness: Mr. Warman. He testified that with a few slight variations the material attached to his two affidavits, dated February 12, 2009 and March 19, 2010, which formed the basis of the show cause order, and for the finding of contempt, were still on the Internet as of the date of the sentencing hearing, October 9 and 10, 2012. This material is found on

two websites: Stormfront.org, an American website over which there is no evidence that Mr. Tremaine has any control, and the National Socialist Party of Canada (nspcanada.nfshost.com), of which Mr. Tremaine is the webmaster.

[8] The Commission, and Mr. Warman, who participated as the original complainant, had somewhat different views as to the penalty to be imposed. Both agreed that Mr. Tremaine should be ordered to approach Stormfront with the request that his postings thereon be removed. They both submitted that the NSP Canada website be shut down. Even should he conform, Mr. Warman submitted that, in any event, Mr. Tremaine be imprisoned for a period of between three and six months. The Commission submitted that he only be imprisoned in the event that he did not obey such order as I might issue.

[9] The Commission sought party/party costs. Mr. Warman sought solicitor/client costs.

MR. TREMAINE'S CASE

[10] Mr. Tremaine testified on his own behalf and attempted to call one Bernard Klatt as an expert to advise the Court with respect to voice transmissions over the Internet, as opposed to text transmissions. He also gave notice of a constitutional question.

[11] The rationale of calling Mr. Klatt was that, to use the language of the Tribunal, Mr. Tremaine was ordered to:

... cease the discriminatory practice of communicating telephonically or causing to be communicated telephonically by

means of the facilities of a telecommunication undertaking...material of the type that was found to violate section 13(1)...

[12] The evidence before me, as indeed confirmed by Mr. Warman, comprises text and photos, not audio. This position comes perilously close to arguing, once again, that Mr. Tremaine was not in contempt because he did not communicate "telephonically". However, the argument is a little more subtle. Counsel relies on *R v Pontes*, [1995] 3 SCR 44, [1995] SCJ No 70 (QL) where it was stated at paragraph 97 that ignorance of the law may be successfully pleaded as a factor in mitigation of sentence.

[13] More shall be said about Mr. Tremaine's state of mind. However, I refused to hear Mr. Klatt on the grounds that his evidence would not be helpful to the Court. The Internet, and voice transmissions thereon, including Skype, are so notorious that I was able to take judicial notice that the Internet can be used to transmit voice, as well as text and photos.

NOTICE OF CONSTITUTIONAL QUESTION

[14] Mr. Tremaine questioned:

...the constitutional validity of the Canadian Human Rights Commission's jurisdiction to seek penalty for contempt of an order of the Canadian Human Rights Tribunal, in circumstances when the Human Rights Tribunal itself has declared the underlying legislation to be constitutionally invalid, and Parliament has repealed the legislation in question.

[15] I informed Mr. Christie, Mr. Tremaine's counsel, that I would answer the question in the negative for a number of reasons. The issue had already been decided by Madam Justice Snider in

her judicial review, which had not been appealed. Furthermore, the decision of the Tribunal referred to was set aside in judicial review by Mr. Justice Mosley in *Warman v Lemire*, 2012 FC 1162, [2012] FCJ No 1233 (QL). He did find that sections 54(1)(c) and (1.1) did not survive constitutional scrutiny. However, in lengthy reasons, he held that those sections were severable, and that section 13(1) of the Act was constitutional. The penalty aspect of the order is not in issue. Although Mr. Tremaine had been fined \$4,000, apparently he does not have the wherewithal to pay, and the fine was never part of the contempt proceedings. Although the House of Commons did repeal section 13 of the *Canadian Human Rights Act*, the matter has yet to go before the Senate. In any event, the Bill did not purport to have retroactive effect.

[16] Mr. Tremaine does not dispute that the material found hateful by the Commission remains on the Stormfront and NSPC websites, as does the material which had been filed subsequently and served as the basis of the show cause order. His position is that he had an honest misunderstanding of the law as he had not used the Internet to telephonically transmit anything. This is sheer nonsense. In his previous Internet rantings he made it perfectly clear he knew what he was ordered to do and that he was defying the Tribunal because he had a greater cause, freedom of speech. For example, in 2009 he posted: "My purpose in ignoring the cease-and-desist order was to address the urgent matter of impending white extinction and to argue against a new one world religion of equality." Moreover, he has done nothing to purge his contempt following the Court of Appeal's decision last October.

[17] The postings in this case, or ones similar thereto, were at the foundation of criminal charges laid against him in Saskatchewan. Those proceedings were permanently stayed by order of the

Court of Queen's Bench in September of this year, as it was found that his constitutional rights were violated because of the speed, or lack thereof, at which the proceedings progressed.

[18] Mr. Tremaine has maintained the position that he had to keep his Stormfront postings, and his own website, in operation so that there would be pristine evidence in the criminal proceedings. Again, this "my hands are tied" position is without merit. As he testified during the contempt hearing, all this evidence could easily have been preserved without remaining on the Internet.

[19] What is most disturbing of all is that Mr. Tremaine testified that he no longer had control of his own website; he had sold it the very morning of the sentencing hearing to Mr. Klatt, as an intermediary for an unnamed American for a nominal price not yet agreed.

[20] However, he had not given Mr. Klatt the password to his website. I immediately enjoined him from so doing. It is obvious that Mr. Tremaine was attempting to put his website out of this Court's reach.

[21] Even Mr. Christie, Mr. Tremaine's counsel, was taken aback:

Judge: I find it very disturbing that you have a Court of Appeal decision that found Mr. Tremaine in contempt of court, you had an application for leave to the Supreme Court that was dismissed. And on the morning of the sentencing he purports to sell so that he is no longer able to fulfill any order that might be issued about removing postings from the website. I find that most disturbing.

[...]

Mr. Christie: Well, obviously

[...]

I am disturbed by the whole process, but, yeah that does disturb me. But in the end of the day if you do issue an order he is in a position where he could, as far as the NSPC site is concerned, he could carry it out as a result of what you've just told him.

[...]

So at least that terrible consequence has not happened, although it appears that there was an attempt to make it happen, and I concede that's evidence of a bad state of mind.

[22] Indeed, as to sentencing, at most Mr. Christie submits that Mr. Tremaine be ordered to approach Stormfront with the request that certain specific postings be removed, and that he be ordered to remove specific postings from his own website. The NSPC website should not be shut down as the Tribunal itself said there were literally thousands of postings thereon and it had not opined as to whether all of them were in violation of section 13(1) of the Act. Again, he used the courtroom as a bully pulpit to attack Mr. Warman. He submitted that Mr. Warman should leave well enough alone. He should not draw attention to people like Mr. Tremaine. They should remain under the rock where they belong. They do no harm to anyone. However, it is Mr. Tremaine who is on trial, not Mr. Warman.

[23] In any event, he submitted that this is a rearguard action. Once material is on the Internet, it will be there forever. There are an endless number of archived and mirror sites, "The times they are a-changing". Section 13 of the Act, and provincial counterparts, are a failure in social engineering. Whether that be so, it does not justify defiance of the law as it is. He submitted Mr. Tremaine should not be imprisoned.

[24] Mr. Warman had every right to complain to the Commission with respect to material which appeared to violate section 13(1) of the Act. It is ludicrous to attempt to portray him as the villain. The villain is Mr. Tremaine.

[25] To the extent this case is about freedom of speech, that issue ended when Madam Justice Snider dismissed Mr. Tremaine's application for judicial review, and he did not appeal to the Federal Court of Appeal.

[26] This case is about law and order.

[27] Hate messages are but a small part of the mandate of the Commission and the Tribunal. The Court far more often is called upon in judicial review to consider orders with respect to alleged failures to accommodate disabilities, or alleged discrimination in employment. It is a principle of the law of contempt that orders that have not been set aside must be obeyed, whether or not their foundation is unconstitutional.

[28] As stated by Jeffrey Miller in his *The Law of Contempt in Canada*, Scarborough, Ontario, Carswell 1997, at page 24:

It is a truism of contempt law that one must respect even a potentially "bad" or null court order until it is formally struck down or amended by the court. This applies to putatively unconstitutional orders as well:

But the *Charter* is no licence to break the law or defy an order of the court. It is elementary that so long as a law or an order of the court remains in force it must be obeyed. In *Canada (Human Rights Commission) v Taylor*, [1990] 3 S.C.R. 892, 75 D.L.R. (4th) 577,

while the majority found it unnecessary to deal with the issue, McLachlin J. said at p. 974 S.C.R., p. 635 D.L.R.:

In my opinion, the 1979 order of the Tribunal, entered in the judgment and order book of the Federal Court in this case, continues to stand unaffected by the *Charter* violation until set aside. This result is as it should be. If people are free to ignore court orders because they believe that their foundation is unconstitutional, anarchy cannot be far behind. The citizens' safeguard is in seeking to have illegal orders set aside through the legal process, not in disobeying them.

[29] In *Ontario (Ontario Securities Commission) v Gaudet*, 65 OR (2d) 424, [1988] OJ No 1349 (QL), the Ontario High Court of Justice found that a Bank wilfully and deliberately disregarded the Court order, as it considered that it was wrong in law. The Court found that the Bank's conduct was plainly and clearly contemptuous. However, taking into consideration both the fact that the failure to comply was not motivated by a desire to flout the law or demean the Court and the Bank's apology, the Court did not impose a fine.

[30] Mr. Tremaine has clearly intended to flout the law, to demean the Tribunal and this Court, and has not apologized. In fact, he had apologized before the Tribunal hearing had commenced, but later withdrew it as the apology was made in a moment of weakness. I do not expect Mr. Tremaine to apologize. He is a true believer. He is free to flout the order I am about to issue; but he must remember that freedom has its price.

THE PENALTY

[31] Rule 472 of the *Federal Courts Rules* provides:

472. Where a person is found to be in contempt, a judge may order that

472. Lorsqu'une personne est reconnue coupable d'outrage au tribunal, le juge peut ordonner :

(a) the person be imprisoned for a period of less than five years or until the person complies with the order;

a) qu'elle soit incarcérée pour une période de moins de cinq ans ou jusqu'à ce qu'elle se conforme à l'ordonnance;

(b) the person be imprisoned for a period of less than five years if the person fails to comply with the order;

b) qu'elle soit incarcérée pour une période de moins de cinq ans si elle ne se conforme pas à l'ordonnance;

(c) the person pay a fine;

c) qu'elle paie une amende;

(d) the person do or refrain from doing any act;

d) qu'elle accomplisse un acte ou s'abstienne de l'accomplir;

(e) in respect of a person referred to in rule 429, the person's property be sequestered; and

e) que les biens de la personne soient mis sous séquestre, dans le cas visé à la règle 429;

(f) the person pay costs.

f) qu'elle soit condamnée aux dépens.

[32] I shall order that Mr. Tremaine either personally, or through counsel, approach Stormfront.org with the request that his postings thereon, as identified by the Tribunal in its decision, as well as those exhibited to the affidavits of Mr. Warman dated February 12, 2009 and March 19, 2010 be removed, as well as his posting of 22 July 2009 at 11:20 p.m. entitled "*Human Rights*" Contempt Hearing (July 23, 2009), a vicious untrue diatribe about Madam Justice Snider, among other things, which was identified as exhibit Tremaine 5 at the contempt hearing. Although not part of the show cause order, at the sentencing stage I can certainly order that other offensive material be removed.

[33] Likewise, I shall order that the material identified by the Tribunal and in Mr. Warman's affidavit, which are to be found on the National Socialist Party of Canada website be removed. I am not prepared to order that that website be dismantled because, as the Tribunal stated, there are literally thousands of entries thereon which have not been reviewed.

[34] Mr. Tremaine shall provide evidence that he has complied with this order within 15 days of service upon him.

[35] As far as I am concerned, obedience of this order is not sufficient to purge his contempt. In the event that he obeys this order he shall nevertheless be imprisoned for 30 days commencing 15 days after service by the Commission of the order upon him.

[36] Should he not obey the order, he shall be imprisoned for a further period of six months, or until he complies with the order, whichever is less.

[37] Mr. Tremaine, and any individual who acts in concert with him, shall cease the discriminatory practice of communicating telephonically or causing to be communicated telephonically by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, including, without restricting the generality of the foregoing, the Internet, material of the type or of a substantially similar context found by the Canadian Human Rights Tribunal to be likely to expose a person or persons to hatred or contempt by reason of the fact that

said person or persons are identifiable on the basis of a prohibited ground of discrimination, contrary to section 13(1) of the *Canadian Human Rights Act*.

[38] The Commission shall be entitled to its costs. Mr. Warman, although a solicitor, testified as the complainant. He was under subpoena. As in the case of *Warman v Lemire*, above, he is entitled to his reasonable disbursements, to the extent they have not been paid by the Commission.

ORDER**IT IS ORDERED that:**

1. Mr. Tremaine, and any individual who acts in concert with him, cease the discriminatory practice of communicating telephonically or causing to be communicated telephonically by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, including, without restricting the generality of the foregoing, the Internet, material of the type or of a substantially similar context found by the Canadian Human Rights Tribunal and by this Court to be likely to expose a person or persons to hatred or contempt by reason of the fact that said person or persons are identifiable on the basis of a prohibited ground of discrimination, contrary to section 13(1) of the *Canadian Human Rights Act*.
2. Mr. Tremaine be imprisoned for a period of 30 days commencing 15 days after service by the Canadian Human Rights Commission of this order upon him.
3. Mr. Tremaine provide evidence that he has complied with this order within 15 days of service of the order upon him.
4. Should he not obey this order, Mr. Tremaine be imprisoned for a further period of six months, or until he complies with the order.
5. Mr. Tremaine, either personally or through counsel, approach Stormfront.org with the request that the following postings, identified in the affidavits of Mr. Warman sworn on 12 February 2009 and 19 March 2010, be removed thereon:

Exhibit E – Posting by Mathdokter99 on 23 February, 5 March and 19 March 2007 (postings no 1, 3 and 4) in the thread entitled “I need your help”.

[<http://www.stormfront.org/forum/t366999/#post4018311>]

Exhibit F – Postings by Mathdokter99 on 31 August 2007 (postings 1, 4 and 6) in the thread entitled “Terry Tremaine (mathdokter99) fired from job - again!!”
[<http://www.stormfront.org/forum/t416100/>]

Exhibit G - Postings by Mathdokter99 on 4 and 5 July 2007 (postings no 1 and 3) in the thread entitled “What if the Jews Win?”
[<http://www.stormfront.org/forum/t401134/#post4364546>]

Exhibit H – Posting by Mathdokter99 on 30 August 2007 (posting no 9) in the thread entitled “Adolf Hitler – The Jews, from Mein Kampf I, XI”
[<http://www.stormfront.org/forum/t415937/#post4549201>]

Exhibit I - Posting by Mathdokter99 on 10 September 2007 (posting no 1) in the thread entitled “A Prairie Immigration Mill”
[<http://www.stormfront.org/forum/t419111/#post4588030>]

Exhibit J - Postings by Mathdokter99 on 22 September 2007 (postings no 1 and 2) in the thread entitled “Residential school "survivors" can now apply for cash”
[<http://www.stormfront.org/forum/t422687/#post4627888>]

Exhibit K - Posting by Mathdokter99 on 29 September 2007 (posting no 7) in the thread entitled “Do Natives Count???”
[<http://www.stormfront.org/forum/t424553/#post4650718>]

Exhibit M – Posting by Mathdokter99 on 8 October 2007 (posting no 1) in the thread entitled “The Great Red Dragon (pdf download)”
[<http://www.stormfront.org/forum/t427421/#post4684739>]

Exhibit N - Posting by Mathdokter99 on 12 October 2007 (posting no 1) in the thread entitled “Life in Canada under Judeo-fascist anarchy”
[<http://www.stormfront.org/forum/t428334/#post4695752>]

Exhibit O – Posting by Mathdokter99 on 14 October 2007 (posting no 1) in the thread entitled “The B’nai Brith and the Armenian Genocide”
[<http://www.stormfront.org/forum/t428929/#post4703784>]

Exhibit Q – Posting by Mathdokter99 on 28 August 2007 (posting no 15) in the thread entitled « Reply from NSM Commander concerning « BOK Canada ».
[<http://www.stormfront.org/forum/t415076-2/#post4542418>]

Exhibit R – Posting by Mathdokter99 on 7 July 2007 (posting no 59) in the thread entitled “NSM quebec founder here”.
[<http://www.stormfront.org/forum/t348544-6/#post4368919>]

Exhibit S –Postings by Mathdokter99 on 22 August 2007 (postings no 7 and 10) in the thread entitled “Terry Tremaine on Wikipedia”
[<http://www.stormfront.org/forum/t412684/>]

Exhibit T –Posting by Mathdokter99 on 13 April 2007 (posting no 3) in the thread entitled “NSPC Media Portal (new address)”
[<http://www.stormfront.org/forum/t375599/#post4098110>]

Exhibit V – Posting by Mathdokter99 on 30 September 2007 (posting no 10) in the thread entitled “Aryan Guard website – Update”.
[<http://www.stormfront.org/forum/t424243/#post4657415>]

6. Mr. Tremaine, either personally or through counsel, approach Stormfront.org with the request that the following postings, identified in the Canadian Human Rights Tribunal decision in *Warman v Tremaine*, 2007 CHRT 2, be removed thereon:

Posting by Mathdokter99 on 14 February 2004 (posting no 30) in the thread entitled “A Real Holocaust Coming?”
[<http://www.stormfront.org/forum/t116323-3/>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 53)

Posting by Mathdokter99 on 17 February 2004 (posting no 21) in the thread entitled “Re: A view from the inside (for all anti)”.
[<http://www.stormfront.org/forum/t116991-3/#post896245>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 54)

Posting by Mathdokter99 on 19 February 2004 (posting no 5) in the thread entitled “Your Awakening?”
[<http://www.stormfront.org/forum/t117464/#post901036>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 55)

Posting by Mathdokter99 on 23 March 2004 (posting no 2) in the thread entitled “Politicki Testament – A. Hitler”.
[<http://www.stormfront.org/forum/t123167/#post962501>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 57)

Posting by Mathdokter99 on 9 April 2005 (posting no 1) in the thread entitled “The Greatness of Adolf Hitler”.
[<http://www.stormfront.org/forum/t197238/>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 58 and 59)

Posting by Mathdokter99 on 2 May 2004 (posting no 1) in the thread entitled “HIV/AIDS and Indians in Saskatchewan”.

[<http://www.stormfront.org/forum/t130319/#post1025986>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 60)

Posting by Mathdokter99 on 5 July 2004 (posting no 16) in the thread entitled "Questions from a black man".
[<http://www.stormfront.org/forum/t141075-2/#post1135315>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 61)

Posting by Mathdokter99 on 11 September 2004 (posting no 2) in a thread entitled "My feelings on Jews".
[<http://www.stormfront.org/forum/t152933/#post1274082>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 62)

Posting by Mathdokter99 on 12 September 2004 (posting no 11) in a thread entitled "Did you Know that one million Germans were murdered...after the war".
[<http://www.stormfront.org/forum/t152976-2/#post1275648>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 63)

Posting by Mathdokter99 on 12 August 2004 (posting no 1) in a thread entitled "The 'Fanatical Parasite'".
[<http://www.stormfront.org/forum/t147875/#post1211050>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 64)

Posting by Mathdokter99 on 18 September 2004 (posting no 1) in a thread entitled "Hanadi Jaradat".
[<http://www.stormfront.org/forum/t154221/#post1288710>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 64)

Posting by Mathdokter99 on 19 September 2004 (posting no 6) in a thread entitled "Response by State Department to Lantos's antisemitism bill".
[<http://www.stormfront.org/forum/t147433/#post1291847>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 65)

Posting by Mathdokter99 on 4 October 2004 (posting no 10) in the thread entitled: "The Ongoing Propaganda War Against the Third Reich".
[<http://www.stormfront.org/forum/t156575/#post1322191>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 66)

Posting by Mathdokter99 on 20 and 21 September 2004 (posting no 4, 17, 26) in the thread entitled "Re: If it took a police state".
[<http://www.stormfront.org/forum/t154590-2/#post1294229>]
[<http://www.stormfront.org/forum/t154590-3/>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 67)

Posting by Mathdokter99 on 18 January 2005 (posting no 22) in the thread entitled "How to Ruin the Bush Administration".
[<http://www.stormfront.org/forum/t178659-3/#post1573992>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 68)

Posting by Mathdokter99 on 23 March 2005 (posting no 1) in the thread entitled "Gambling at the Public Library."
[<http://www.stormfront.org/forum/t193421/#post1737651>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 68)

Stormfront posting by Mathdokter99 in February 2006 regarding the CHRT decision in *Warman v Kulbashian et al*, 2006 CHRT 11.
(*Warman v Tremaine*, 2007 CHRT 2, at para 69)

Posting by Mathdokter99 on 26 February 2006 (posting no 1) in the thread entitled "Lazar Kaganovich -- a Reminder that Communism was (and is) Jewish"
[<http://www.stormfront.org/forum/t273915/#post2720567>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 70)

Posting by Mathdokter99 on 3 March 2006 (posting no 134) in the thread entitled "Let's Stop Blaming the Jews".
[<http://www.stormfront.org/forum/t274773-14/>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 70)

Posting by Mathdokter99 on 8 May 2006 (posting no 8) in the thread entitled "Pan Counter-Semitism".
[<http://www.stormfront.org/forum/t292178/#post2960323>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 71)

Posting by Mathdokter99 on 27 June 2006 (posting no 1) in the thread entitled "A Proposed National-Socialist Constitution for Canada".
[<http://www.stormfront.org/forum/t305500/#post3141708>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 72)

Posting by Mathdokter99 on 11 July 2006 (posting no 5) in the thread entitled "Video: Warman speech at Law Society".
[<http://www.stormfront.org/forum/t308261/#post3186451>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 73)

Posting by Mathdokter99 on 16 April 2006 (posting no 1) in the thread entitled "Evidence Summary (Discovery) in My Case Before the CHRC"
[<http://www.stormfront.org/forum/t286730/#post2888725>]
(*Warman v Tremaine*, 2007 CHRT 2, at para 73)
[<http://www.stormfront.org/forum/t316439/#post3295733>]

Posting by Mathdokter99 on 2 August 2006 (posting no 1) in the thread entitled "My Story – by Terry Tremaine".
[\[http://www.stormfront.org/forum/t315068/\]](http://www.stormfront.org/forum/t315068/)
(Warman v Tremaine, 2007 CHRT 2, at para 75)

Posting by Mathdokter99 on 27 July 2006 (posting no 8) in the thread entitled "Breaking News – Canada Thought Police Strike Again".
[\[http://www.stormfront.org/forum/t313653/#post3253302\]](http://www.stormfront.org/forum/t313653/#post3253302)
(Warman v Tremaine, 2007 CHRT 2, at para 79)

7. Mr. Tremaine, either personally or through counsel, approach Stormfront.org with the request that the following postings, identified in exhibit "Tremaine 5", be removed thereon:

Posting by Mathdokter99 on 22 July 2009 (posting no 1) in the threads entitled "'Human Rights' contempt hearing (July 23, 2009)" and "Meet Terry Tremaine: MathDokter99".
[\[http://www.stormfront.org/forum/t623210/#post7133392\]](http://www.stormfront.org/forum/t623210/#post7133392)
[\[http://www.stormfront.org/forum/t628938/\]](http://www.stormfront.org/forum/t628938/)

8. Mr. Tremaine remove from the National Socialist Party of Canada website [nspcanada.nfshost.com] the material identified in the affidavits of Mr. Warman sworn on 12 February 2009 and 19 March 2010, and referred to in the Canadian Human Rights Tribunal decision in *Warman v Tremaine*, 2007 CHRT 2:

Exhibit W – National Socialist Party of Canada newsletters from September and October 2007:

21 October 2007 [<http://nspcanada.nfshost.com/newsletter/archives.php>]

8 October 2007 [<http://nspcanada.nfshost.com/newsletter/archives.php>]

11 September 2007 [<http://nspcanada.nfshost.com/newsletter/archives.php>]

Exhibit XYZ - National Socialist Party of Canada newsletters from December 2007

28 December 2007 [<http://nspcanada.nfshost.com/newsletter/archives.php>]

16 December 2007 [<http://nspcanada.nfshost.com/newsletter/archives.php>]

Exhibit AA –Protocols of the Elders of Zion

[\[http://nspcanada.nfshost.com/index.php?page_id=74\]](http://nspcanada.nfshost.com/index.php?page_id=74)

[\[http://nspcanada.nfshost.com/PDFs/ProtocolsZion.pdf\]](http://nspcanada.nfshost.com/PDFs/ProtocolsZion.pdf)

Exhibit BB –George Lincoln Rockwell, *White Power*
[\[http://nspcanada.nfshost.com/index.php?page_id=74\]](http://nspcanada.nfshost.com/index.php?page_id=74)
[\[http://nspcanada.nfshost.com/PDFs/WhitePower.pdf\]](http://nspcanada.nfshost.com/PDFs/WhitePower.pdf)

Exhibit CC –Ernst Hiemer, *The Poisonous Mushroom*
[\[http://nspcanada.nfshost.com/index.php?page_id=74\]](http://nspcanada.nfshost.com/index.php?page_id=74)
[\[http://nspcanada.nfshost.com/PDFs/PoisonousMushroom.pdf\]](http://nspcanada.nfshost.com/PDFs/PoisonousMushroom.pdf)

Exhibit DD –The Turner Diaries
[\[http://nspcanada.nfshost.com/index.php?page_id=73\]](http://nspcanada.nfshost.com/index.php?page_id=73)

Exhibit EE – apparently already removed.

Exhibit FF –Reforge the Broken Sword
[\[http://nspcanada.nfshost.com/PDFs/ReforgeTheSword.pdf\]](http://nspcanada.nfshost.com/PDFs/ReforgeTheSword.pdf)

Exhibit GG –Party Info Leaflet (We are dedicated to:)
[\[http://nspcanada.nfshost.com/PDFs/PartyInfo.pdf\]](http://nspcanada.nfshost.com/PDFs/PartyInfo.pdf)

Exhibit HH –The Seven Points of National Socialism
[\[http://nspcanada.nfshost.com/index.php?page_id=18\]](http://nspcanada.nfshost.com/index.php?page_id=18)

Exhibit II – Posting on the NSPC Website: Goals of the NSPC
[\[http://nspcanada.nfshost.com/index.php?page_id=3\]](http://nspcanada.nfshost.com/index.php?page_id=3)

Exhibit JJ – Posting on the NSPC Website: Party Policies
[\[http://nspcanada.nfshost.com/index.php?page_id=16\]](http://nspcanada.nfshost.com/index.php?page_id=16)

Exhibit LL –The “HOLOCAUST” A Jewish Hoax!
[\[http://nspcanada.nfshost.com/leaflet.php?archive_id=42\]](http://nspcanada.nfshost.com/leaflet.php?archive_id=42)
[\[http://nspcanada.nfshost.com/PDFs/Holohoax.pdf\]](http://nspcanada.nfshost.com/PDFs/Holohoax.pdf)

Exhibit MM –ZIONISM IS TREASON
[\[http://nspcanada.nfshost.com/leaflet.php?archive_id=44\]](http://nspcanada.nfshost.com/leaflet.php?archive_id=44)
[\[http://nspcanada.nfshost.com/PDFs/ZionismIsTreason.pdf\]](http://nspcanada.nfshost.com/PDFs/ZionismIsTreason.pdf)

Exhibit NN – Posting on the NSPC Website: Negroes back to Africa? YES!!!
[\[http://nspcanada.nfshost.com/leaflet.php?archive_id=51\]](http://nspcanada.nfshost.com/leaflet.php?archive_id=51)
[\[http://nspcanada.nfshost.com/PDFs/BackToAfrica.pdf\]](http://nspcanada.nfshost.com/PDFs/BackToAfrica.pdf)

Exhibit OO –Jew Tube
[\[http://nspcanada.nfshost.com/leaflet.php?archive_id=50\]](http://nspcanada.nfshost.com/leaflet.php?archive_id=50)

Exhibit PP –Negro Crime
[\[http://nspcanada.nfshost.com/leaflet.php?archive_id=49\]](http://nspcanada.nfshost.com/leaflet.php?archive_id=49)

[<http://nspcanada.nfshost.com/PDFs/NegroCrime.pdf>]

9. Evidence of compliance herewith shall be served upon the parties and filed with this Court within 15 days of the Commission's service of this Order upon him.
10. The question as to "the constitutional validity of the Canadian Human Rights Commission's jurisdiction to seek penalty for contempt of an order of the Canadian Human Rights Tribunal, in circumstances when the Human Rights Tribunal itself has declared the underlying legislation to be constitutionally invalid, and Parliament has repealed the legislation in question (left from par 14 of reasons" is answered in the negative.
11. The Commission is entitled to its costs.
12. Mr. Warman, in his capacity as a subpoenaed witness, is entitled to his reasonable disbursements, to the extent they have not been paid by the Commission.

"Sean Harrington"

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-293-07

STYLE OF CAUSE: RICHARD WARMAN v CANADIAN HUMAN
RIGHTS COMMISSION and TERRY TREMAINE

PLACE OF HEARING: Vancouver, British Columbia

DATES OF HEARING: October 9 and 10, 2012

**REASONS FOR ORDER
AND ORDER:** HARRINGTON J.

DATED: November 7, 2012

APPEARANCES:

Richard Warman	FOR THE COMPLAINANT (ON HIS OWN BEHALF)
Daniel Poulin	FOR THE COMMISSION
Douglas H. Christie	FOR THE RESPONDENT

SOLICITORS OF RECORD:

Richard Warman Barrister & Solicitor	FOR THE COMPLAINANT (ON HIS OWN BEHALF)
Daniel Poulin Canadian Human Rights Commission Ottawa, Ontario	FOR THE COMMISSION
Douglas H. Christie Barrister & Solicitor Victoria, British Columbia	FOR THE RESPONDENT